

Zoning Text Amendment No.: 18-10
Concerning: Townhouse Living –
Accessibility Tax Credit
Draft No. & Date: 2 – 7/11/2018
Introduced: July 24, 2018
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Rice

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a tax credit under Section 52-107 for a townhouse unit approved as a conditional use; and
- generally amend the standards for townhouses approved as a conditional use

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3. “Residential Uses”
Section 3.3.1. “Household Living”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance

Sec. 1. DIVISION 59-3.3 is amended as follows:

DIVISION 3.3. Residential Uses

Section 3.3.1. Household Living

* * *

D. Townhouse Living

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2. Use Standards

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b. Where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- i. All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section 52-18T and detailed in Section 52-18U.
- ii. Public bus service must be available on a road abutting the site.
- iii. A Metro Station must be within 2 miles of the site.
- iv. Public recreation or park facilities must be within 1,000 feet of the site.
- v. A grading plan must demonstrate that the post-construction site will have a slope less than 5%.
- vi. The minimum tract size is 2 acres.
- vii. The density limitations and development standards of the TMD zone under optional method (Section 4.4.12.C) apply in spite of any other limitation in this Chapter.
- viii. Reducing the number of required parking spaces through a parking waiver under Section 6.2.10 is prohibited.

- ix. A minimum of one parking space for each dwelling unit must satisfy the dimensional standards for handicapped-accessible vehicle parking and a minimum 8-foot-wide access aisle required by the State.
- [x. As a condition of approval, any property owner of the conditional use project must be prohibited from seeking a tax credit under Section 52-18U or Section 52-93(e). This prohibition does not apply to additional accessibility features that are installed post-occupancy and for which a property tax credit is requested.]

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council